

RECEIVED *VSC*
SUPREME COURT
STATE OF WASHINGTON
May 18, 2011, 11:54 am
BY RONALD R. CARPENTER *E*
CLERK

SUPREME COURT
OF THE STATE OF WASHINGTON

RECEIVED BY E-MAIL *ph*

MITCH DOWLER and IN CHA
DOWLER, individually and as limited
guardian ad litem for NAM SU CHONG,
et al.,

Appellants,

vs.

CLOVER PARK SCHOOL DISTRICT,
NO. 400,

Respondent.

NO. 84048-2

FOURTH
STATEMENT OF
ADDITIONAL
AUTHORITY

COME NOW the appellants and submit the following additional
authority to the Court pursuant to RAP 10.8:

- *Chaney v. Fetterly*, 100 Wn. App. 140, 995 P.2d 1284 (2000) (discussion by the court of doctrines of exhaustion of administrative remedies and primary jurisdiction; doctrine of primary jurisdiction is not mandatory but lies in the sound discretion of the court; it applies when administrative agency has the authority to resolve the issues that would be referred to it by the court, the agency has special competence over all or part of the controversy which renders the agency better able than the court to resolve the issue; and the claims fall within the scope of a pervasive regulatory scheme; the court rejected application of both administrative exhaustion and primary jurisdiction).

ORIGINAL

DATED this 18~~th~~ day of May, 2011.

Respectfully submitted,



Philip A. Talmadge, WSBA #6973
Talmadge/Fitzpatrick
18010 Southcenter Parkway
Tukwila, WA 98188
(206) 574-6661

Thaddeus P. Martin, WSBA #28175
Law Offices of Thaddeus P. Martin
4002 Tacoma Mall Blvd, #102
Tacoma, WA 98409-7702
(253) 682-3420
Attorneys for Appellants

DECLARATION OF SERVICE

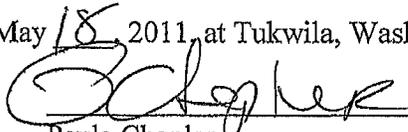
On this day said below, I emailed and deposited with the U.S. Postal Service a true and accurate copy of the Fourth Statement of Additional Authority in Supreme Court Cause No. 84048-2 to the following parties:

Thaddeus P. Martin IV 4928 109 th St. SW Lakewood, WA 98499	William A. Coats Daniel C. Montopoli H. Andrew Saller Vandeberg Johnson & Gandara, LLP PO Box 1315 Tacoma, WA 98401-1315
Sarah A. Dunne Nancy Talner ACLU of Washington Foundation 901 Fifth Avenue, Suite 630 Seattle, WA 98164	Bryan P. Harnetiaux WSAJF 517 East 17 th Avenue Spokane, WA 99201
George M. Ahrend WSAJF 100 East Broadway Avenue Moses Lake, WA 98837	Heather McKimmie Disability Rights of WA 315 5 th Avenue South, Suite 850 Seattle, WA 98104
Karen Simmonds Laura Clinton Washington Schools Risk Mgmt Pool K&L Gates LLP 925 Fourth Avenue, Suite 2900 Seattle, WA 98104	Christopher Henderson Dussault Law Group 2722 Eastlake Avenue East, Suite 200 Seattle, WA 98102
Allan Marson Council of Parent Attorneys and Advocates Baker & McKenzie 660 Hansen Way Palo Alto, CA 94304	

Original efiled with:
Washington Supreme Court
Clerk's Office
415 12th St. W
Olympia, WA 98504-0929

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED: May 18, 2011, at Tukwila, Washington.



Paula Chapler
Talmadge/Fitzpatrick
DECLARATION